

**United States District Court**

**for the**

**Eastern District of Arkansas**

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

**AUG 23 2012**

JAMES W. MCCORMACK, CLERK  
By: [Signature] DEP. CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: James Frederic Howard

Case Number: 4:05CR00305-019 SWW

Name of Sentencing Judicial Officer: Honorable Susan Webber Wright  
United States District Judge

Offense: Conspiracy to Distribute More Than 50 Grams of Methamphetamine

Date of Sentence: April 9, 2007

Sentence: 42 months Bureau of Prisons, 4 years supervised release, mandatory drug testing, substance abuse treatment, and \$100 special penalty assessment

Type of Supervision: Supervised release      Date Supervision Commenced: December 18, 2009  
Expiration Date: December 17, 2013

Asst. U.S. Attorney: Jana Harris

Defense Attorney: Lisa Peters

U.S. Probation Officer: Tabitha L. Mitchell  
Phone No.: 501-604-5277

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

**The defendant shall reside in a residential re-entry center (RRC) for a period of three (3) months.**

**CAUSE**

Mr. Howard's term of supervised release commenced on December 18, 2012. He obtained steady employment and maintained a stable residence. He was in compliance with his conditions of supervised release until January 2012. Since that time, Mr. Howard submitted drug tests which were presumptively positive for methamphetamine on the following dates: January 3, 2012 and February 13 and 24, 2012. On each occasion, he admitted to using the substance and signed an admission of drug use form. He submitted a drug test which was confirmed positive for marijuana by Alere Laboratories on July 30, 2012. As a result of his drug use, Mr. Howard was referred to residential substance abuse treatment at Recovery Centers of Arkansas. He successfully completed residential treatment on March 27, 2012. He entered chemical free living the same day. He failed to attend outpatient substance abuse treatment on the following dates: April 5, 17, and 24, 2012. He also failed to make payments toward his subsistence

Prob 12B

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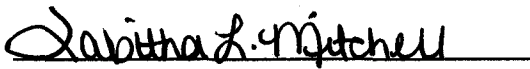
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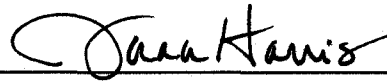
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and was unsuccessfully discharged from the chemical free living program. Mr. Howard failed to report to the probation office for drug testing on the following dates: January 13 and 31, 2012; February 22, 2012; April 18, 2012; June 4, 2012; and July 13 and 26, 2012. Furthermore, he has been unemployed since February 2012.

On August 10, 2012, Mr. Howard agreed to have his conditions modified. He executed the attached PROB 49, waiving his right to a hearing. Assistant Federal Public Defender Lisa Peters was contacted and she was also in agreement with the modification.



Tabitha L. Mitchell  
U.S. Probation Officer



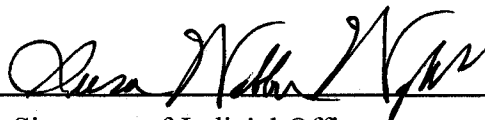
Jana Harris  
Assistant U.S. Attorney

Date: August 16, 2012Date: 8-20-12

This form is to be filed with Criminal Docketing as a motion.

## THE COURT ORDERS:

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

8-23-2012

Date

This form is to be filed with Criminal Docketing as an order and/or petition.

Approved:



Supervising U.S. Probation Officer

TLM/sli

Prob 12B

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c: Assistant Federal Public Defender, Lisa Peters, 1401 West Capitol Avenue, Suite 490, Little Rock,  
AR 72201  
Assistant U.S. Attorney, Jana Harris, P.O. Box 1229, Little Rock, AR 72203